

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA

~~[Consent/Proposed]~~  
Order of Restitution

v.

CARLOS DE LA TORRE,

Defendant.

21 Cr. 554 (NRB)

---

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Sarah L. Kushner, Assistant United States Attorney, of counsel; the presentence report; the Defendant's conviction on Count Ones through Three of the above Information; and all other proceedings in this case, it is hereby ORDERED that:

**1. Restitution Amount**

Carlos de la Torre, the Defendant, shall pay restitution in the total amount of \$466,739.91, pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664, to the victims of the offense charged in Count One. The name, address, and specific amount owed to each victim are set forth in the Schedule of Victims, attached hereto as Schedule A. In addition, the Defendant shall pay restitution in the total amount of \$62,534.25 and \$29,128.82, pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664, to the Internal Revenue Service and the New York State Department of Taxation and Finance, respectively, as the victims of the offenses charged in Counts Two and Three. Upon advice by the United States Attorney's Office of a change of address of any victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

**2. Schedule of Payments**

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the Defendant, including whether any of these assets are jointly controlled; projected

earnings and other income of the Defendant; and any financial obligations of the Defendant; including obligations to dependents, the Defendant shall pay restitution in the manner and according to the schedule that follows: The total amount of restitution is due and payable immediately pursuant to 18 U.S.C. § 3572(d)(1) upon entry of this judgment.

**3. Payment Instructions**

Restitution payments shall be made payable to the "SDNY Clerk of Court" and delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The Defendant's name and the docket number of this case shall be written on each check or money order. Any cash payments shall be hand delivered to the Clerk of Court using exact change and shall not be mailed. For payments by wire, the Defendant shall contact the Clerk of Court for wiring instructions.

**4. Disbursement Instructions**

Pursuant to 18 U.S.C. § 3664(i), the Court sets the following priority for disbursement of restitution among the victims for the Clerk of Court:

- a. Restitution shall be paid first to the individual nonfederal victims as set forth in the attached Schedule A on a pro rata basis before payment to any nonfederal or federal government agency.
- b. After the individual nonfederal victims have been paid in full, then restitution shall next be paid to the nonfederal government victim, New York State Department of Taxation and Finance, until it is paid in full by sending, within 30 days of receiving said payments from the Defendant, disbursements to:

New York State Dept. of Taxation & Finance  
W A Harriman Campus  
Building 8, Room 45  
Albany, NY 12227  
Attn: Internal Affairs

- c. After the nonfederal victims have been paid in full, restitution shall finally be paid to the federal victim, Internal Revenue Service, until it is paid in full by sending, within 30 days of receiving said payments from the Defendant, disbursements to:

IRS - RACS  
Attn: Mail Stop 6261, Restitution  
333 W. Pershing Ave.  
Kansas City, MO 64108

**5. Additional Provisions**

The Defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Unit) of (1) any change of the Defendant's name, residence, or mailing address or (2) any material change in the Defendant's financial resources that affects the Defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k). If the Defendant discloses, or the Government otherwise learns of, additional assets not known to the Government at the time of the execution of this order, the Government may seek a Court order modifying the payment schedule consistent with the discovery of new or additional assets.

**6. Restitution Liability**


The Defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the Defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the Defendant, the Defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

7. Sealing

Consistent with 18 U.S.C. §§ 3771(a)(8) & 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of the individual victims, the Schedule of Victims, attached hereto as Schedule A, shall be filed under seal, except that copies may be retained and used or disclosed by the Government, the Clerk of Court, and the Probation Department, as need be to effect and enforce this Order, without further order of this Court.

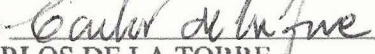
AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
District of New York

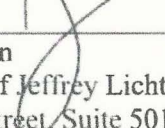
By:   
Sarah L. Kushner  
One Saint Andrew's Plaza  
New York, N.Y. 10007  
Tel.: (212) 637-2676

12/29/21  
DATE

CARLOS DE LA TORRE


By:   
CARLOS DE LA TORRE

1/2/22  
DATE

By:   
Jason Goldman  
Law Offices of Jeffrey Lichtman  
11 East 44<sup>th</sup> Street Suite 501  
New York, New York 10017  
jg@jeffreylightman.com

12/29/21  
DATE

SO ORDERED:

  
HONORABLE NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

January 7, 2022  
DATE